

Committee of Thirteen Report

September 13, 2011

The Committee of Thirteen of the Benton County Quorum Court met Tuesday, September 13, 2011 at 6:00 p.m. in the Quorum Court Room, County Administration Building, Third Floor, 215 East Central, Bentonville, Arkansas.

10 JPs Present: King, Winscott, J. Harrison, Allen, K. Harrison, Hawkins, Douglas, Blaty, Curry, Carr

3 JP's Absent: Jones, Sandlin, Moore

Others Present: County Judge Bob Clinard, County Attorney George Spence, Comptroller Richard McComas, Administrator of General Services Elizabeth Bowen, Administrator of Public Safety Marshal Watson

Media: Tom Sissom - Daily Record

Vice Chair Tom Allen called the meeting to order.

JP Allen recognized JP Dan Douglas. JP Douglas stated that he wanted to publicly apologize to Mr. Bob Kossieck for not allowing him to speak during public comments at the last Legislative Committee meeting.

PUBLIC COMMENTS

None

JP Harrison made motion to suspend the rules and read all ordinances and resolutions by title only, seconded by JP Carr.

Motion passed by unanimous show of hands.

1. Resolution Request: Authorizing Application for Grant

JP Douglas stated this resolution request is authorizing application to apply for a grant through the Arkansas Economic Development Commission – Arkansas Energy Office – CNG Fueling Station program.

JP Winscott made motion to approve and forward the resolution request to the September 22, 2011 Quorum Court agenda, seconded by JP J Harrison.

Motion passed by unanimous show of hands vote.

2. Appropriation Ordinance Request: Capital Projects, Dept 35, Fund 440

JP Winscott stated this appropriation ordinance request was forwarded from the Finance Committee and is for \$60,000 in additional funds to increase the contingency for the Juvenile Justice Center Project.

JP Winscott made motion to approve and forward the appropriation ordinance request to the September 22, 2011 Quorum Court agenda, seconded by JP Carr.

JP Blaty asked what exactly the additional \$60,000 was to be used for. County Judge Bob Clinard stated \$30,000 is for the additional costs not included in the Juvenile Justice Center Project budget and \$30,000 for additional items needed to complete the project. He stated at the request of the Finance Committee that the \$35,000 request for landscaping was removed, and that the list of additional items needed was provided at the September 6, 2011 Finance Committee meeting. JP Allen stated this appropriation request would have been for \$90,000 if the Finance Committee had not removed the \$35,000 for landscaping.

Bob Kossieck of Rogers commented on using jail inmate labor for the landscaping.

JP Allen stated that county inmates are controlled by the Sheriff's Department and it is up to the Sheriff's discretion to implement jail inmate labor.

Motion passed by unanimous show of hands vote.

3. Discussion: "Land Use Plan" Draft

JP Douglas stated this Land Use Development Plan was forwarded from the Legislative Committee and recognized Administrator of General Services Elizabeth Bowen. Elizabeth Bowen stated that this land-use plan draft document was prepared by the Master Planning Committee, which is made up of a variety of community leaders from the University of Arkansas, Farm Bureau, the Northwest Arkansas Planning Commission, Benton County Extension, Rogers Historical Museum, Association of Beaver Lake Environment, Illinois Water Shed, Benton County Water Conservation, Benton County Health Department and other public officials. She stated that this plan addresses; 1) compatibility; 2) septic tank failure, septic tank inspections; 3) recommending financial accountability for unfinished projects; 4) adequate infrastructure on roads and utilities for every type of development that goes on in the county; 5) adequate public safety, that every road has the accessibility for emergency vehicles; 6) adequate parking in open areas. She stated this is not a requirement but a guide that provides general guidelines to planning officials and the Planning Board for the future needs of Benton County. She added that anything that is implemented in this plan; that has do with planning regulations, would have to come before the Quorum Court.

JP Winscott recommended that the court approve the Land Use Development Plan and put it into practice. JP Allen stated that this plan is not set in stone, that this is a guide.

JP Kevin Harrison stated that his concern was that the policies that get set forward are not arbitrary, that the citizens in the un-incorporated areas have a chance to appeal any decision by the Planning Board, and that we arbitrarily don't create something where commercial or industrial would end up being a conditional use. He stated that he did not want to see the Planning Board being able to arbitrarily deny something based on that they did not like it.

Elizabeth Bowen stated the Planning Board has rules and regulations, and the Blue Book and the Quorum Court must approve any changes to the Blue Book and those changes would have to be presented at a public hearing. She added this land-use plan can be passed as a plan or a resolution approving this plan as a guide.

JP Allen stated that he would like to see the Land Use Development Plan forwarded as a resolution.

Planning Board Chairman Lane Gurel stated this land-use plan looks at all the various interests in the county, and that this land use plan is something that helps protect property owners, property values and property rights in the county, and urged the Committee of Thirteen to forward the Land Use Development Plan to the Quorum Court.

JP Allen stated that he was impressed with how much time and dedication that the Master Planning Committee had put into the Land Use Development Plan.

Lane Gurel stated that this land-use plan will continue to evolve in the future and will act as a guideline for future changes.

JP Hawkins questioned if the land-use plan is redundant to the Blue Book ; if the Blue Book contains minimum standards and is amendable, what does the land-use plan add to the current situation, and why the need? Elizabeth Bowen stated this is putting forward what the Master Planning Committee believes the future of Benton County should look like and that this land-use plan is a future guide for Benton County's growth and economic impacts that will occur.

JP Douglas asked if the land-use plan would act as a guide to provide compatibility in the Blue Book. Lane Gurel stated that the Blue Book addresses compatibility, and that some view compatibility decisions as spot zoning for particular projects. He added that the land-use plan allows the Planning Board some authority to protect the neighbors of a development, but at the same time allows people their property rights to do what they want with their land.

JP Kevin Harrison stated that he felt that the land-use plan was arbitrary, that compatible guidelines need to be set.

Lane Gurel stated that the Planning Board does judge on compatibility, and that they have often used the compatibility test to both approve and deny decisions.

JP King stated that the plan represents the work of many residents and provides a guide for the Quorum Court to use in considering changes to the Blue Book. He added that any changes will still have to be considered through a process that includes the Quorum Court, and that this is a good plan to let everybody be a part of what we in Benton County are trying to do.

Bob Kossieck of Rogers stated he did not think that the Land Use Development Plan was the right plan. He added that this is nothing more than a zoning ordinance without the Z-word. He stated that the county needs a land-use plan that requires federal agencies to coordinate with the county.

Bob Kossieck distributed a CD containing a land-use plan that had been adopted by other counties and urged them to take the time to review this land-use plan. He stated that the county needs a land-use plan that requires federal agencies to coordinate with, and asked that the justices of the peace table the plan.

Larry Kelly of Bentonville stated this land-use plan gives the Planning Commission guidelines to work from.

JP Wincott stated this is a work in progress that can be adjusted to meet future county plans.

JP King stated that this land-use plan is not designating what you can or cannot do and it can be changed in the future.

JP Wincott made motion to put the Land Use Development Plan in the form of a resolution and forward to the September 22, 2011 Quorum Court agenda, seconded by JP J Harrison.

JP Hawkins suggested making the land-use plan as an attachment to the Blue Book, as opposed to a generalized guide. JP Allen stated if it is attached to the Blue Book there is some contradictions within the same ordinance, and that is why he has a problem with it being attachment to the existing Blue Book. He added there are other contradictions and discrepancies within this guide with what the Blue Book is today.

JP Curry stated that he would like to see the land-use plan tabled to give the citizens of Benton County more time to look at it, and that he would have to vote no, but received no support from the committee for tabling the plan.

There being no further discussion, a roll call vote was recorded as follows:

7 yeas: King, Wincott, J. Harrison, Allen, Douglas, Blaty, Moore
3 nays: K. Harrison, Hawkins, Curry
3 absent: Jones, Sandlin, Moore

OTHER BUSINESS

None

ANNOUNCEMENTS

JP Wincott announced that the Public Safety Committee will meet Tuesday, September 20, 2011 at 5:30 p.m.

JP Allen stated that the Cave Springs 4-H Club received an award and certificate for the fantastic job they have done adopting Phillips Cemetery Road and volunteering their time to keep the road clean. He

stated that we as a county are very appreciative for what they are doing. He also stated that there are 20 organizations at the most that have adopted roads and challenged the Justice of the Peace to get 4-H Clubs, Kiwanis Clubs, area schools, and others to adopt roads and see if we can get some competition going to see who can maintain the best roads.

Elizabeth Bowen announced the Benton County Wide Fall clean-up will be held on October 1, 2011, and that both the Benton County Road Department on Hwy 102 and the eastside road department location in Garfield will be open for the event.

PUBLIC COMMENTS

Bob Kossieck commented that the Benton County needs a comprehensive land-use plan that requires federal agencies to coordinate with the Quorum Court.

ADJOURNMENT

Upon motion and second the meeting adjourned at 7:22 p.m.